

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS



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LaSharn Hughes

MEDICAL DIRECTOR
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COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENT TO AMEND AND ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Composite State Board of Medical Examiners ("Board") that it intends to adopt a new Rule 360-13-.15, entitled "Changes in Medical Directors" of Chapter 360-13, entitled "Respiratory Care Professionals, Technicians and Therapists." An exact copy of the proposed amendment is attached to this Notice.

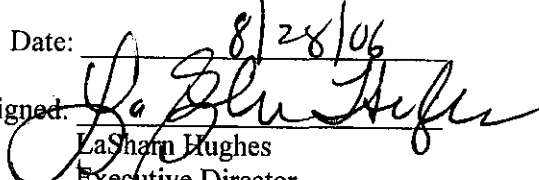
This notice, together with an exact copy of the proposed rule and a synopsis of the proposed rule are being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Composite State Board of Medical Examiners, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than September 22, 2006 or make comments at the public hearing. Comments may be directed to Diane Atkinson, Composite State Board of Medical Examiners, 2 Peachtree Street, NW, 36th Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at matkinson@dch.ga.gov.

A public hearing is scheduled to begin at 9:00 a.m. on October 6, 2006 at the 36th Floor Board Room, 2 Peachtree Street, N.W., Floor, Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on May 5, 2006 and intends to adopt the attached rules at its meeting on October 6, 2006, after the conclusion of the public hearing, at the 36th Floor Board Room, 2 Peachtree Street, NW, Atlanta, GA 30303.

The authority for promulgation of these rules is O. C. G. A. §§ 43-34-143, 43-34-145, 43-34-148, 43-1-19 and the specific statutes cited in the proposed rules. This Notice is adopted and posted in compliance with O.C. G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

Date: 8/28/06
Signed: 
LaSharn Hughes
Executive Director
Composite State Board of Medical Examiners

*Administratively Attached to Community Health
An Equal Opportunity Employer*

ECONOMIC IMPACT AND SYNOPSIS FOR
AMENDMENTS TO CHAPTER 360-13
RESPIRATORY CARE PROFESSIONALS, TECHNICIANS AND THERAPISTS

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Respiratory Care Practices Act, Title 43, Chapter 34. The formulation and adoption of this rule does not impose excessive regulatory cost on any certificate holder and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 6 of Chapter 34, of the Official Code of Georgia Annotated, the Respiratory Care Practices Act. Additionally, it is not legal or feasible to meet the objectives of the Respiratory Care Practices Act to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

360-13-.15 Changes in Medical Directors.

Purpose: O.C.G.A. § 43-34-145(b) requires that respiratory care professionals work under the supervision or direction of a physician in order to maintain certification. The purpose of the proposed rule is require respiratory care professional to notify the Board immediately by certified mail of termination of the medical director/respiratory care professional relationship and to notify the Board immediately of a change in medical directors.

Main Features:

The proposed rule require that a respiratory care professional immediately give notice to the Board by certified mail of the termination of the medical director/respiratory care professional relationship and to inform the Board of the date of the termination. The rule further requires that respiratory care professionals immediately notify the Board, on a form approved by the Board, of any change in medical directors. The rule also provides that failure to comply with the requirements of the rule may result in disciplinary action.

The differences between the existing rules and the proposed amendments to the rules are shown below: (The lined-through text is proposed to be deleted and underlined text is proposed to be added.)

360-13-.15 Changes in Medical Directors.

(1) In order to maintain certification, a respiratory care professional must continue to work under the supervision or direction of a person holding a Georgia medical license

who has experience in and knowledge of respiratory care and who is readily available to the certificate holder in his/her workplace to provide personal supervision.

(2) Immediately upon termination of the medical director/respiratory care professional relationship, the Respiratory Care professional is required to give notice and the date of termination to the Board by certified mail. Failure to notify the Board immediately may result in disciplinary action against the respiratory care professional. The respiratory care professional shall not engage in the practice of respiratory care unless he/she is working under the supervision or direction of person holding a Georgia medical license who meets the requirements of paragraph (1).

(3) The respiratory care professional shall immediately notify the Board by certified mail, on a form approved by the Board of a change in the medical directors.

(4) Failure to comply with the requirements of this rule may result in disciplinary action against the respiratory care professional's certificate.

Authority: O.C.G.A. Secs. 43-34-143, 43-34-145(b), 43-34-148, 43-1-19.